

EXHIBIT 1

to

**PAUL D. BRACHMAN DECLARATION
IN SUPPORT OF INTUITIVE'S MOTION FOR
LIMITED SUPPLEMENTAL DISCOVERY**

ATTACHMENT 48

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff,

v.

Case No.: 3:21-cv-03496-VC

INTUITIVE SURGICAL, INC.,

Defendant.

**Updated Bero Report Schedules / Errata Sheet
February 25, 2023**

Schedules Index

Schedule #	Title
Updated Schedule 1.0	Damages Summary
Updated Schedule 2.0	Scenario 1 - Discounted Lost Profits: In-house Model
Updated Schedule 2.1	Scenario 1 - Undiscounted Lost Profits: In-house Model
Updated Schedule 2.2	Scenario 1 - Lost EndoWrist Repair Units
Updated Schedule 3.0	Scenario 1 - Discounted Lost Profits: Distributor Model
Updated Schedule 3.1	Scenario 1 - Undiscounted Lost Profits: Distributor Model
Updated Schedule 4.0	Scenario 2 - Discounted Lost Profits: In-house Model (2 Year X/Xi Delay)
Updated Schedule 4.1	Scenario 2 - Undiscounted Lost Profits: In-house Model (2 Year X/Xi Delay)
Updated Schedule 4.2	Scenario 2 - Lost EndoWrist Repair Units (2 Year X/Xi Delay)
Updated Schedule 4.3	Scenario 2 - Discounted Lost Profits: In-house Model (1 Year X/Xi Delay)
Updated Schedule 4.4	Scenario 2 - Undiscounted Lost Profits: In-house Model (1 Year X/Xi Delay)
Updated Schedule 4.5	Scenario 2 - Lost EndoWrist Repair Units (1 Year X/Xi Delay)
Updated Schedule 5.0	Scenario 2 - Discounted Lost Profits: Distributor Model (2 Year X/Xi Delay)
Updated Schedule 5.1	Scenario 2 - Undiscounted Lost Profits: Distributor Model (2 Year X/Xi Delay)
Updated Schedule 5.2	Scenario 2 - Discounted Lost Profits: Distributor Model (1 Year X/Xi Delay)
Updated Schedule 5.3	Scenario 2 - Undiscounted Lost Profits: Distributor Model (1 Year X/Xi Delay)
Schedule 6.0	Intuitive's U.S. EndoWrist Instrument Units - Actual and Forecasted: 2014 - 2025
Schedule 7.0	Estimated EndoWrist Expiration Rates: 2018 - 2021
Schedule 8.0	Potential EndoWrist Instrument Units, Net Sales Dollars and Average Selling Price by System (Using Intuitive Sales Volumes and September 2019 Vizient Amended Agreement Prices): 2018 - June 2022
Schedule 8.1	Potential EndoWrist Instrument Units, Net Sales Dollars and ASP by Product (Instrument Number) - da Vinci S/Si (Using Intuitive Sales Volumes and September 2019 Vizient Amended Agreement Prices): 2018 - June 2022
Schedule 8.2	Potential EndoWrist Instrument Units, Net Sales Dollars and ASP by Product (Instrument Number) - da Vinci X/Xi (Using Intuitive Sales Volumes and September 2019 Vizient Amended Agreement Prices): 2018 - June 2022
Schedule 9.0	SIS's Estimated EndoWrist Instrument Repair Cost: 2020 - June 2022
Schedule 9.1	Intuitive's "Top 5" X/Xi EndoWrist Instrument Units: 2018 - June 2022

Schedules Index

Schedule #	Title
Schedule 10.0	SIS's Estimated Interceptor Chip Cost (Based on Rebotix's Sales to Restore)
Schedule 10.1	Rebotix Sales to SIS: June 27, 2019 - November 21, 2019
Schedule 11.0	Potential EndoWrist Instrument Units, Costs and Costs per Unit by System (Using Intuitive Sales Volumes and Rebotix Pricing): 2018 - June 2022
Schedule 11.1	Potential EndoWrist Instrument Units, Costs and Costs per Unit by Product (Instrument Number) - da Vinci S/Si (Using Intuitive Sales Volumes and Rebotix Pricing): 2018 - June 2022
Schedule 11.2	Potential EndoWrist Instrument Units, Costs and Costs per Unit by Product (Instrument Number) - da Vinci X/Xi (Using Intuitive Sales Volumes and Rebotix Pricing): 2018 - June 2022
Schedule 12.0	SIS's EndoWrist Instrument Sales Prices and Costs (from Rebotix) - da Vinci S/Si
Schedule 12.1	SIS's EndoWrist Instrument Sales Prices and Costs (from Rebotix) - da Vinci X/Xi
Schedule 12.2	SIS's EndoWrist Instrument Sale Price vs Intuitive Sales Price - da Vinci S/Si
Schedule 13.0	Intuitive's EndoWrist Instrument Units, Net Sales Dollars and Average Selling Price by System: 2014 - June 2022
Schedule 13.1	Intuitive's EndoWrist Instrument Units and Net Sales Dollars by Product (Instrument Number) - da Vinci S/Si: 2014 - June 2022
Schedule 13.2	Intuitive's EndoWrist Instrument Units and Net Sales Dollars by Product (Instrument Number) - da Vinci X/Xi: 2014 - June 2022
Schedule 14.0	SIS's EndoWrist Instrument Repair Summary
Schedule 15.0	SIS's Financial Statements: 2019 - October 2021
Schedule 15.1	SIS's Detailed SGA: 2019 - October 2021
Schedule 16.0	Intuitive EndoWrist Instrument Average Selling Price, Units and Net Sales Dollars: 2020 - 2025
Updated Schedule 16.1	Lanham Act Based on Scenario 2 - Unenforceable Contracts(2 Year X/Xi Delay): 2020 - 2025
Updated Schedule 16.2	Lanham Act Based on Scenario 2 - Unenforceable Contracts(1 Year X/Xi Delay): 2020 - 2025

Damages Summary

Updated Schedule 1.0

	2020	2021	2022	2023	2024 (discounted)	2025 (discounted)	Total
Lost profits							
<u>Scenario 1 - Illegal Encryption</u>							
[A] In-house model							
	\$4,683,351	\$16,356,080	\$23,334,015	\$26,646,628	\$21,236,600	\$6,599,204	\$98,855,878
[B] Distributor model							
	\$1,757,047	\$6,090,950	\$8,590,929	\$9,808,514	\$7,816,508	\$2,428,888	\$36,492,836
<u>Scenario 2 - Unenforceable Contracts</u>							
2 Year X/Xi delay							
[C] In-house model							
	\$725,610	\$1,030,904	\$5,404,742	\$19,102,063	\$21,236,600	\$6,599,204	\$54,099,123
[D] Distributor model							
	\$264,784	\$371,772	\$1,992,184	\$7,031,789	\$7,816,508	\$2,428,888	\$19,905,925
1 Year X/Xi delay							
[E] In-house model							
	\$725,610	\$5,628,512	\$16,814,330	\$26,646,628	\$21,236,600	\$6,599,204	\$77,650,884
[F] Distributor model							
	\$264,784	\$2,087,546	\$6,191,404	\$9,808,514	\$7,816,508	\$2,428,888	\$28,597,644
Lanham Act							
[G] Scenario 2 - 2 year X/Xi delay							
	\$3,274,156	\$4,775,564	\$25,742,312	\$91,369,970	\$101,623,818	\$31,582,076	\$258,367,896
[H] Scenario 2 - 1 year X/Xi delay							
	\$3,274,156	\$26,905,717	\$80,352,656	\$127,480,940	\$101,623,818	\$31,582,076	\$371,219,363

NOTES / SOURCES:

Note: Any minor differences are due to rounding.

- [A]** Per Updated Schedule 2.0.
- [B]** Per Updated Schedule 3.0.
- [C]** Per Updated Schedule 4.0.
- [D]** Per Updated Schedule 5.0.
- [E]** Per Updated Schedule 4.3.
- [F]** Per Updated Schedule 5.2.
- [G]** Per Updated Schedule 16.1.
- [H]** Per Updated Schedule 16.2.